

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA, et  
al.,

Defendants.

Case No. C12-866 MJP

ORDER DENYING REQUEST FOR  
CERTIFICATE OF APPEALABILITY

This matter comes before the Court on Plaintiff's request for certificate of appealability. (Dkt. Nos. 9.) Having reviewed the request and remaining docket, the Court DENIES the request.

Under 28 U.S.C. § 2253(c)(1)(a), a petitioner may not appeal a final order in a habeas proceeding "in which the detention complained of arises out of process issued by a State court" unless a judge issues a certificate of appealability. The statute also provides that, in order to be entitled to a certificate, a petitioner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, Petitioner must demonstrate "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner of that the issues presented were adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322,

ORDER DENYING CERTIFICATE OF  
APPEALABILITY  
PAGE - 1

1 336 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)) (internal quotations  
2 omitted) (further noting that this showing does not require a showing that the appeal will  
3 necessarily succeed).

4 Mr. Demos has not presented any claim that rises to the level that would merit a  
5 certificate of appealability. As Magistrate Judge Tsuchida discussed and this Court agreed,  
6 Petitioner presents an “absurd complaint . . . that he is the deposed King of England” seeking  
7 the United States to restore his crown. (Dkt. No. 5 at 2.) Petitioner’s request for a certificate  
8 of appealability does not make a “substantial showing of the denial of a constitutional right.”  
9 28 U.S.C. § 2253(c)(2).

10 It is ORDERED that Petitioner’s request for a Certificate of Appealability is  
11 DENIED. The Clerk is directed to transmit a copy of this Order to all counsel of record and  
12 mail a copy to Petitioner.

13 DATED this 7th day of August, 2012.

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16 Marsha J. Pechman  
17 United States District Judge